

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
Honolulu, Hawaii

REF:OCCL:DH

CDUA: MO-3537

Acceptance Date: March 2, 2010
180-Day Exp. Date: August 30, 2010

May 13, 2010

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii**

REGARDING: State of Hawaii, Department of Transportation (DOT) Proposed
Kawela Bridge Project

CONSULTANT: Mich Hirano, AICP, Principal, Munekiyo & Hiraga, Inc., 305 High
Street, Suite 104, Wailuku, Hawaii 96793

LANDOWNER: Pamela Phoebe Parker and Fred Ronald Parker, 963 Newport
Road, Utica, New York, 13502

LOCATION: Kawela, Island of Molokai

TMK: (2) 5-4-001:027

AREA OF USE: 0.78 Acre

SUBZONES: Limited

DESCRIPTION OF AREA/CURRENT USE:

The existing 66-year old Kawela Bridge located between milepost 5.110 to milepost 5.118 is not located in the Conservation District. The bridge is located on Kamehameha V Highway (Route 450) Right Of Way between Kaunakakai and Halawa on the Island of Molokai. However, the proposed detour route and accessory work will take place in Conservation District.

The subject parcel is located in the State Land Use (SLU) Conservation District, Limited subzone (**Exhibits 1, 2 & 3**).

PROPOSED USE:

The DOT proposes to replace Kawela Bridge because it is structurally deficient and hydraulically inadequate. Kawela Bridge will be raised two feet and will be 56 feet long and 47 feet wide. There will be two 12 foot wide lanes and two 10 foot wide shoulders on each side (bicyclists and pedestrians). Improvements will include a 20 foot approach slab at both ends of the bridge, guard rails; and concrete abutments. After completion standards for the DOT, American Association of State Highway and Transportation Officials (AASHTO), and Federal Highway Administration (FHWA) will be met.

Work in the Conservation District will consist of the following: 1) construct a temporary detour route (to maintain two lanes of traffic); 2) construct six 42 inch reinforced culverts; 3) remove vegetation; 4) add fill material to maintain the roadway; 5) construct a 12 foot wide access ramp; 6) construct a grouted rock rip-rap rubble apron; and 7) construct a CRM retaining wall (**Exhibit 4**).

After the bridge has been replaced the detour route, culverts, access ramp, and fill material will be removed. However, the CRM retaining wall and 2 foot grouted rip-rap rubble apron will remain.

The subject parcel is undeveloped and contains a coastal pond. According to the Cultural Impact Assessment there are no cultural or traditional and customary native Hawaiian rights that will be adversely impacted by the proposed project. Vegetation consists of kiawe, Java Plum, mangrove, akulikuli-kai, and introduced grass species. Birds, deer, goat, mongoose and wild pigs have been observed. O opu naniha, o opu akupa, o opu nakea, opae oeha a, aholehole, mosquito fish, and rainbow fish were observed in Kawela Stream and the coastal estuarine pond. The applicant notes there are no rare, or endangered flora and/or fauna on the subject parcel.

SUMMARY OF COMMENTS:

The Office of Conservation and Coastal Lands (OCCL) consulted the following agencies: Department of Land and Natural Resources (DLNR) – Division of Conservation and Resource Enforcement (DOCARE), Historic Preservation Division (HPD), Engineering Division (ED), Division of Forestry and Wildlife (DOFAW), Commission on Water Resource Management (CWRM), Division of Aquatic Resources (DAR), State Parks Division, Maui District Land Office (MDLO), Department of Health (DOH), Office of Environmental Quality and Control (OEQC), Office of Hawaiian Affairs (OHA), Maui County Planning Department, and Molokai Public Library. The following comments were received:

Division of Forestry and Wildlife

No Comment.

State Parks Division

No Comment.

Commission on Water Resource Management

Currently, a SCAP application is being processed.

Engineering Division

The correct Flood Zone Determination for the project site according to the Flood Insurance Rate Map is AEF. The project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of federal regulations (44 CFR), whenever development within a Special Flood Hazard Area is undertaken. Please contact the state NFIP coordinator or Maui County Planning Department. The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update. If utilities (sewer, water, etc.) are to be suspended along the bridge structure they should be located and constructed to minimize flood damage, leakage, and prevent snagging of debris. The proposed bridge replacement should not impede the storm water carrying capacity of the body of water it crosses. A scour analysis should be conducted to ensure that the design of the structure will minimize erosion of the foundation. If the channel opening at the structure is widened, evaluate downstream reaches to provide for adequate capacity and erosion.

Applicant Response: We note the project site is located in FIRM Zone AEF. We confirm the proposed project will comply with the requirements of the NFIP. A Flood Hazard Area Development Permit will need to be obtained from the County of Maui, Zoning Administration and Enforcement Division. There is no long-term water use or water demand for the proposed project. No utilities will be suspended along the bridge. The flow capacity of the existing bridge opening is approximately 500 cubic feet per second (cfs); the new bridge will increase the flow capacity to 1,520 cfs. A scour analysis was carried out for the proposed channel lining. Based on the scour analysis, a dumped rip rap apron has been designed on the down stream side of the concrete lining to protect the lining from underscouring.

Aquatic Resources

No Comment. SCAP comment indicate Best Management Practices (BMP) be used to minimize drainage runoff and sedimentation. Environmental Reconnaissance Surveys (9/25/06) confirm the presence of native and introduced animals in the stream. The stream appears to be intermittent with the establishment of amphidromous species.

Applicant Response: We confirm BMP's will be implemented for the project's duration to protect marine and stream resources. A water quality monitoring plan prepared by AECOS, Inc. will be followed to maintain water quality during the construction activities. Coordination has been carried out with the U.S. Fish and Wildlife Service (USFWS) regarding measures to mitigate potential impacts to stream resources and native migratory stream species. The DOT is investigating the incorporation of a low flow channel to facilitate migration of native stream species in periods of low flow storm events. Further coordination with USFWS will be carried out to evaluate the low flow channel design.

Office of Hawaiian Affairs

OHA notes that BMP's will be implemented for the duration of the project to protect marine and stream resources and water quality. OHA applauds and supports the mitigation measures detailed in the Draft Environmental Assessment (DEA) for the project, which will facilitate the migration of stream species beneath the detour route. Native plant species should be used should any re-vegetation efforts be conducted. Historic accounts detail battles between the forces of Maui and Oahu during traditional times, caution should be utilized during land alteration activities associated with the overall project and the SCAP. The battlefield Pakuhiwa is identified and one known burial site (SIHP #50-60-04-144) is situated near the project area; OHA seeks assurances all appropriate measures will be in place to ensure the site will not be impacted by project activities.

Applicant Response: BMP's will be implemented for the projects duration to protect marine and stream resources. A water quality monitoring plan will be followed to maintain water quality during the construction activities. Coordination has been carried out with the USFWS to mitigate potential impacts to stream resources and native migratory stream species. The DOT is investigating the incorporation of a low flow channel to facilitate migration of native stream species in periods of low flow storm events. Further coordination will be carried out with the USFWS to evaluate the low flow channel design. An archaeological inventory report was conducted for the project. The burial site is located beyond the area of potential impact and has been noted in the Final Environmental Assessment.

Analysis:

Following review and acceptance for processing, the applicant was notified, by letter dated March 9, 2010 that:

1. The proposed use is an identified land use in the Protective subzone pursuant to Hawaii Administrative Rules (HAR), P-6, PUBLIC PURPOSE USES, D-1, "land uses undertaken by the State of Hawaii or the counties to fulfill a mandated governmental function, activity, or service for public benefit and in accordance with public policy and the purpose of the conservation district. Such land uses may include transportation systems, water systems, communication systems, and recreational facilities; please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to Section 13-5-40(a), HAR, a public hearing will not be required; and
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, the Final Environmental Assessment (FEA) was published in OEQC's Environmental Notice on July 23, 2009,

and the State Department of Transportation was the accepting authority of the FEA (July 23, 2009).

SECTION 13-5-30 CRITERIA:

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, Hawaii Administrative Rules (HAR).

- 1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

Staff notes the proposed project will not have an impact on archeological feature(s), vegetation, and/or open space. Impacts will be mitigated to the greatest extent possible. The proposed project is necessary for the health and safety of the residents of Molokai. The action is consistent with the purpose of the Conservation District.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Limited subzone is to limit uses where natural conditions suggest constraints on human activities.

Staff is of the opinion that the proposed land use is consistent with the limited subzone. Nevertheless, there is a strong public purpose underlying the project, and the applicant proposes adequate mitigation measures.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

Staff notes that the proposed project is consistent with Chapter 205A. A Special Management Area (SMA) permit was granted on September 29, 2009 by Maui County.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

Staff is of the opinion that impacts have been adequately mitigated and the proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community, or region.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

Staff is of the opinion the proposed project will fit into the locality and surrounding area. Staff notes with the appropriate mitigation measures there will be no significant or deleterious effects to the locality, surrounding area and parcels.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

Staff notes the applicant has taken the appropriate steps to mitigate any potential impacts and to maximize and enhance the natural beauty and open space characteristics of the subject parcel.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve subdivision of Conservation District land.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The proposed action will not be materially detrimental to the public health, safety and welfare; it will enhance the public's safety by providing a safe access route.

DISCUSSION:

The proposed use is an identified land use within the Conservation District, according HAR, 13-5-22, P-6, D-2, PUBLIC PURPOSE USES, "transportation systems, transmission facilities for public utilities, water systems, energy regeneration facilities utilizing the renewable resources of the area (e.g. hydroelectric or wind farms) and communications systems and other such land uses which are undertaken by non-governmental entities which benefit the public and are consistent with the purpose of the conservation district."

Kawela Bridge needs to be replaced because it is structurally deficient and hydraulically inadequate. A detour route through the Conservation District is proposed so highway traffic will not be impacted while the bridge is under construction. BMP will be utilized during all phases of the project. Staff recommends to the Board of Land and Natural Resources (BLNR) that appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities and all applicable Department of Health (DOH) administrative rules will be followed especially with fugitive dust.

Staff is of the opinion that the proposed project does not conflict with the objectives of the subzone. Staff notes the applicant will preserve the natural beauty and open space characteristics of the area. Staff is of the opinion that the proposed project will not result in substantial adverse impacts to natural resources. Lastly, staff notes after the bridge has been replaced the detour route, culverts, access ramp, and fill material will be removed; the rip-rap rubble apron and CRM retaining wall will remain.

Staff therefore recommends;

RECOMMENDATION:

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources APPROVE this application for the Department of Transportation Kawela Bridge project, subject to the following terms and conditions:

- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- 3) The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawaii Administrative Rules (HAR) Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control;"
- 4) Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
- 5) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- 6) In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or

- revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 7) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
 - 8) Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard;
 - 9) The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
 - 10) During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
 - 11) That upon completion of the proposed project the land will be restored back to its original condition;
 - 12) Other terms and conditions as may be prescribed by the Chairperson; and
 - 13) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

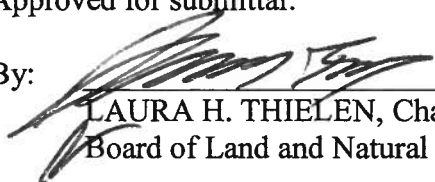
Respectfully submitted,



Dawn T. Hegger
Senior Staff Planner

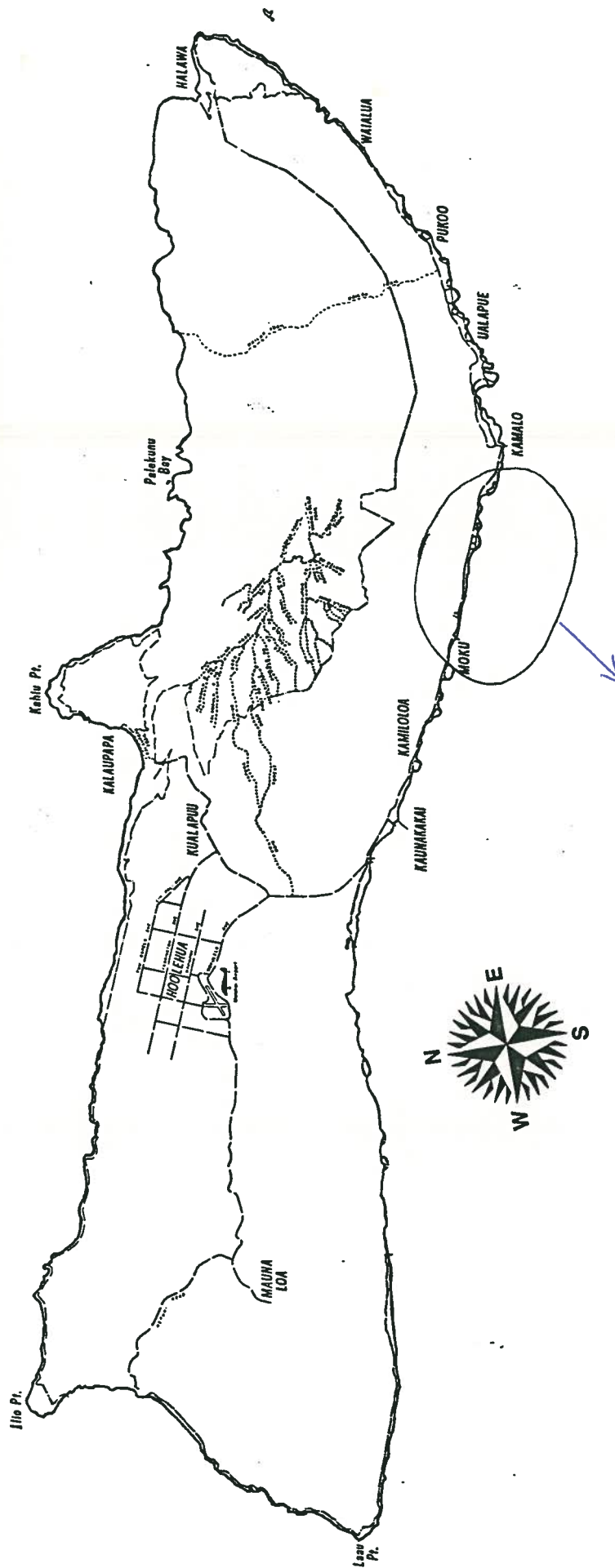
Approved for submittal:

By:



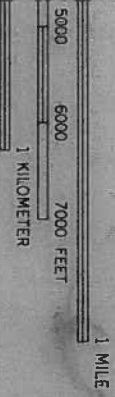
LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

MOLOKAI



Department of Transportation
 Kawela Bridge Project
 TMK: (2) 5-4-001:027
 Kawela, Island of Molokai

CONTOURS
MEAN LOWER LOW WATER
MEAN HIGH WATER
2 FEET



59°30"

INTERIOR GEOLOGICAL SURVEY, WASHINGTON, D. C. - 1966
712000m.E.

21°03'45"

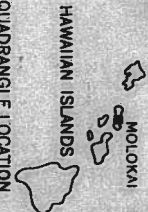
ROAD CLASSIFICATION

Medium-duty ——— Light-duty ———

Unimproved dirt ———

State Route

MO-3



QUADRANGLE LOCATION

Map of the island of Molokai, scale 1:62 500, is available

KAUNAKAKAI, HAWAII

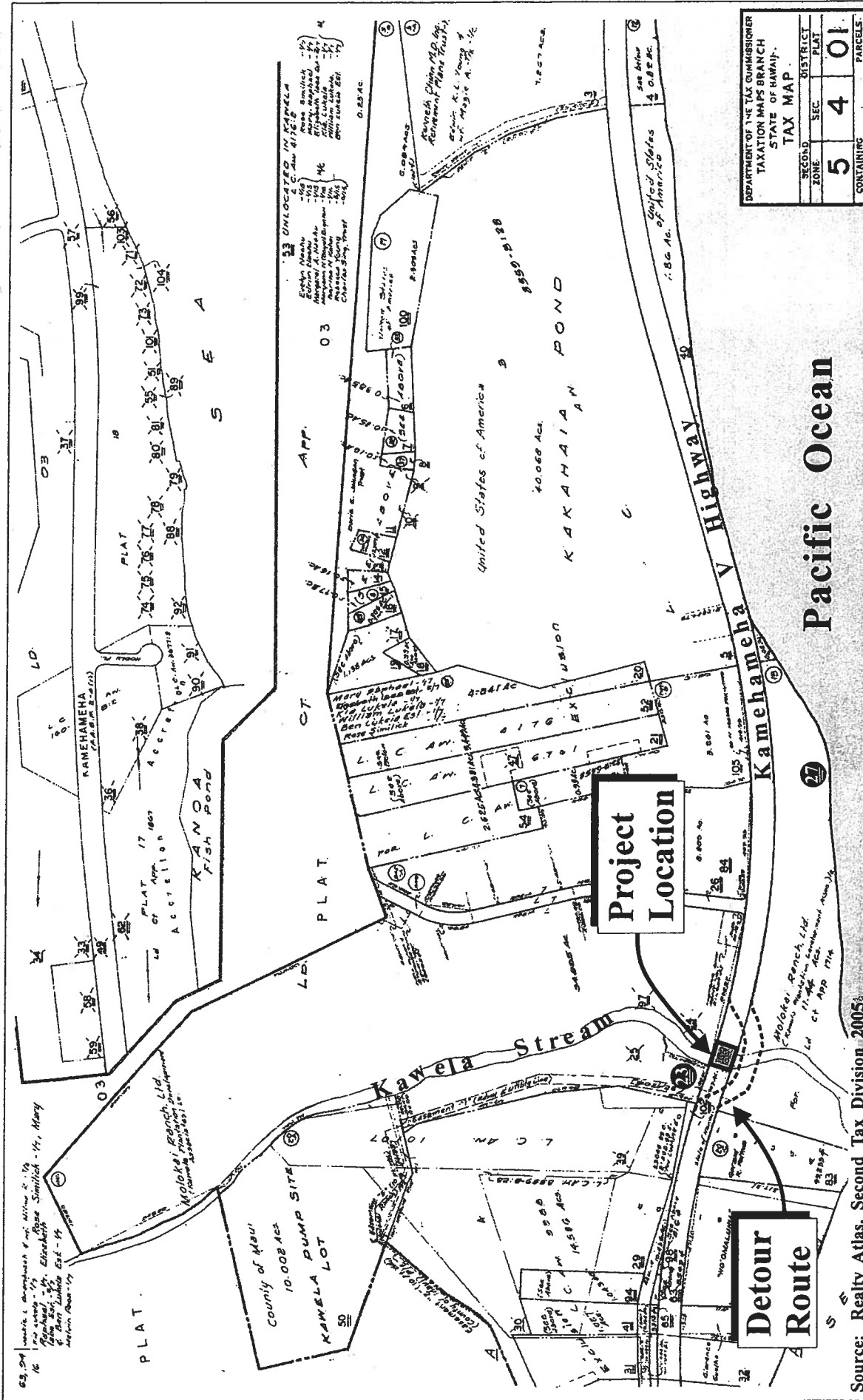
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1967

EXHIBIT 2

DOT
Proposed Kawela Bridge Proj.
Kawela, Molokai
SPECIAL PRINTING (2) 8-4-001:027





Source: Realty Atlas, Second Tax Division 2005

Figure 2

Proposed Kawela Bridge Replacement Project Location Map

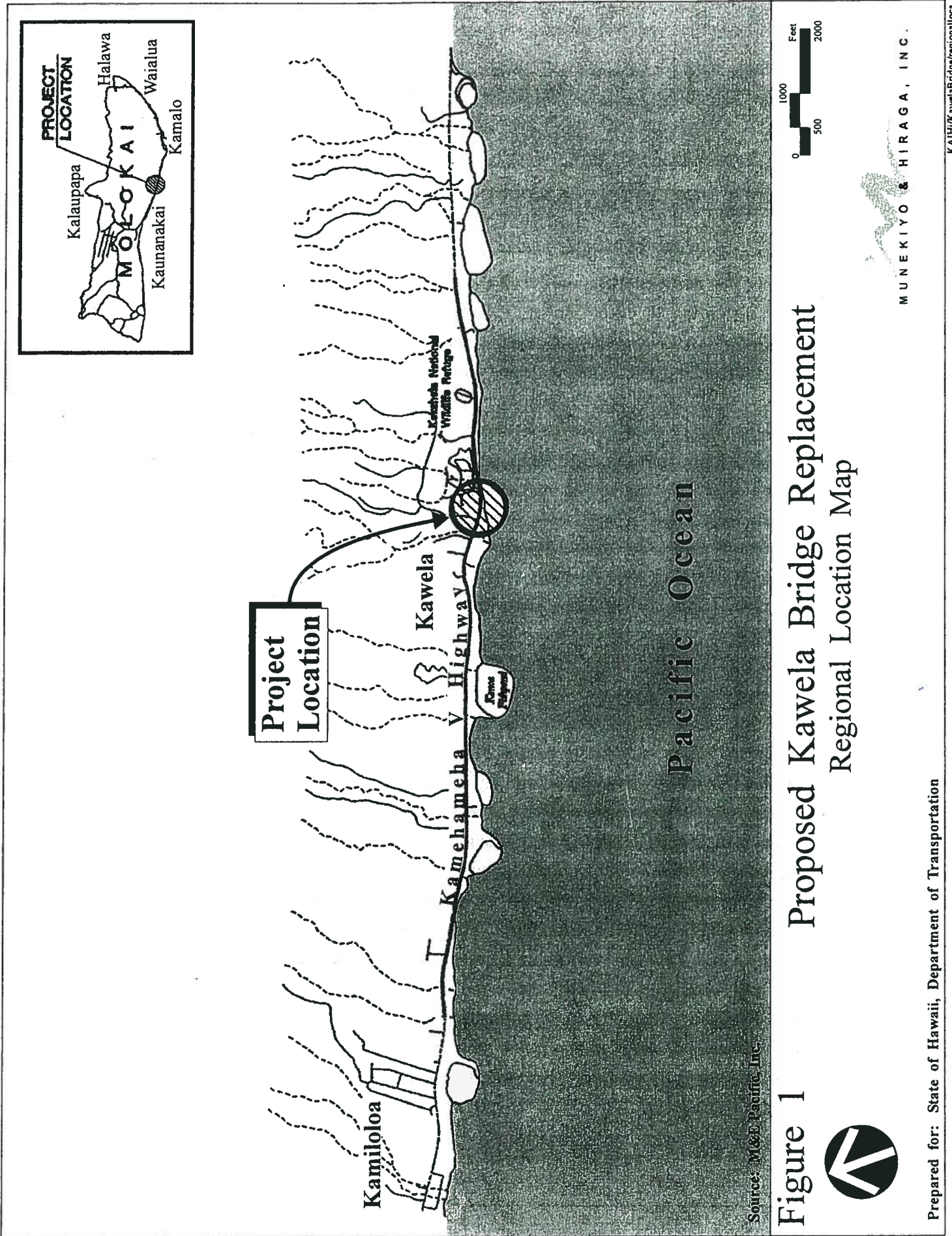
NOT TO SCALE

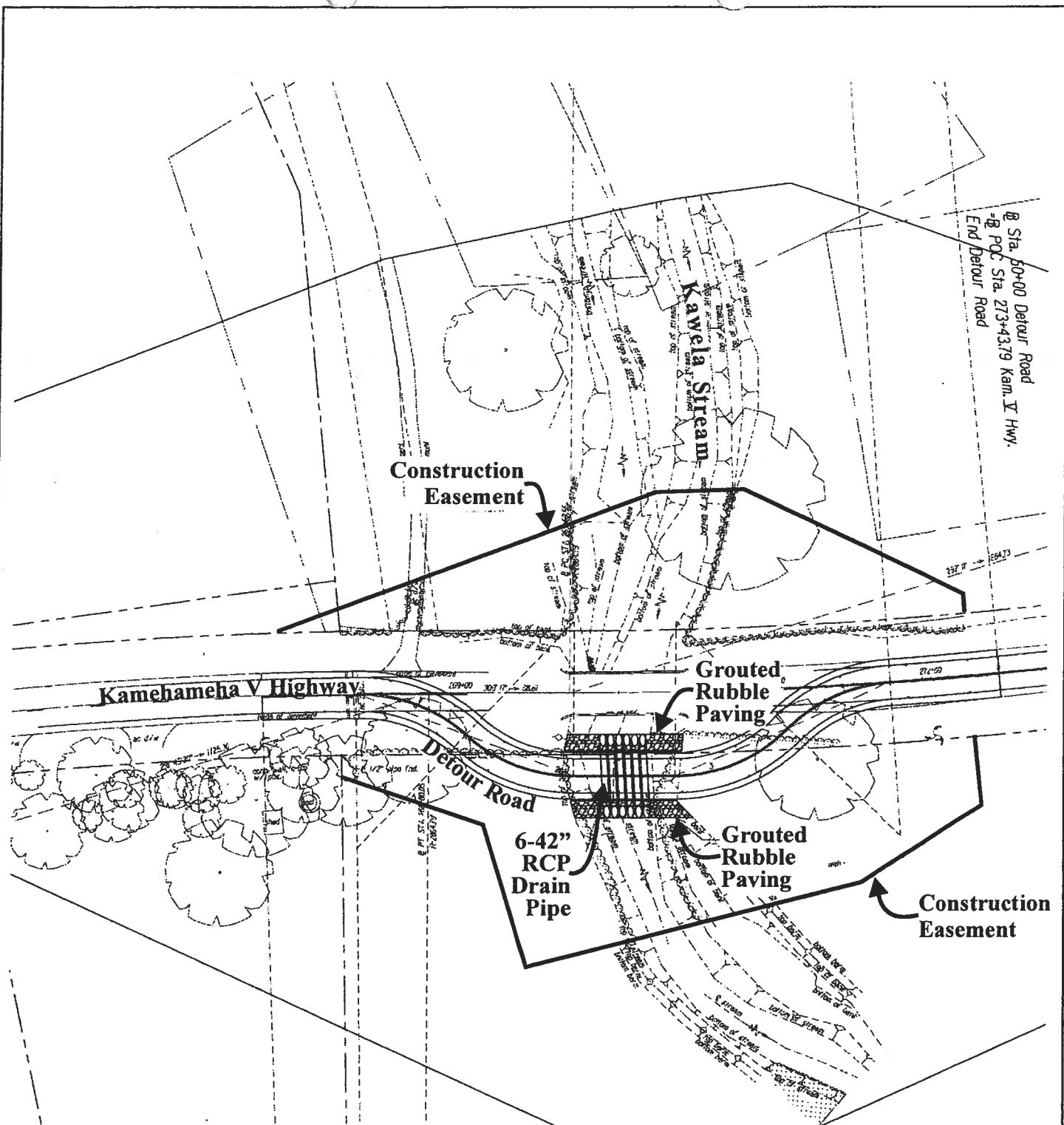


Prepared for: State of Hawaii, Department of Transportation

MUNEKIYO & HIRAGA, INC.

KAIHI/KawelaBridge/project/locat





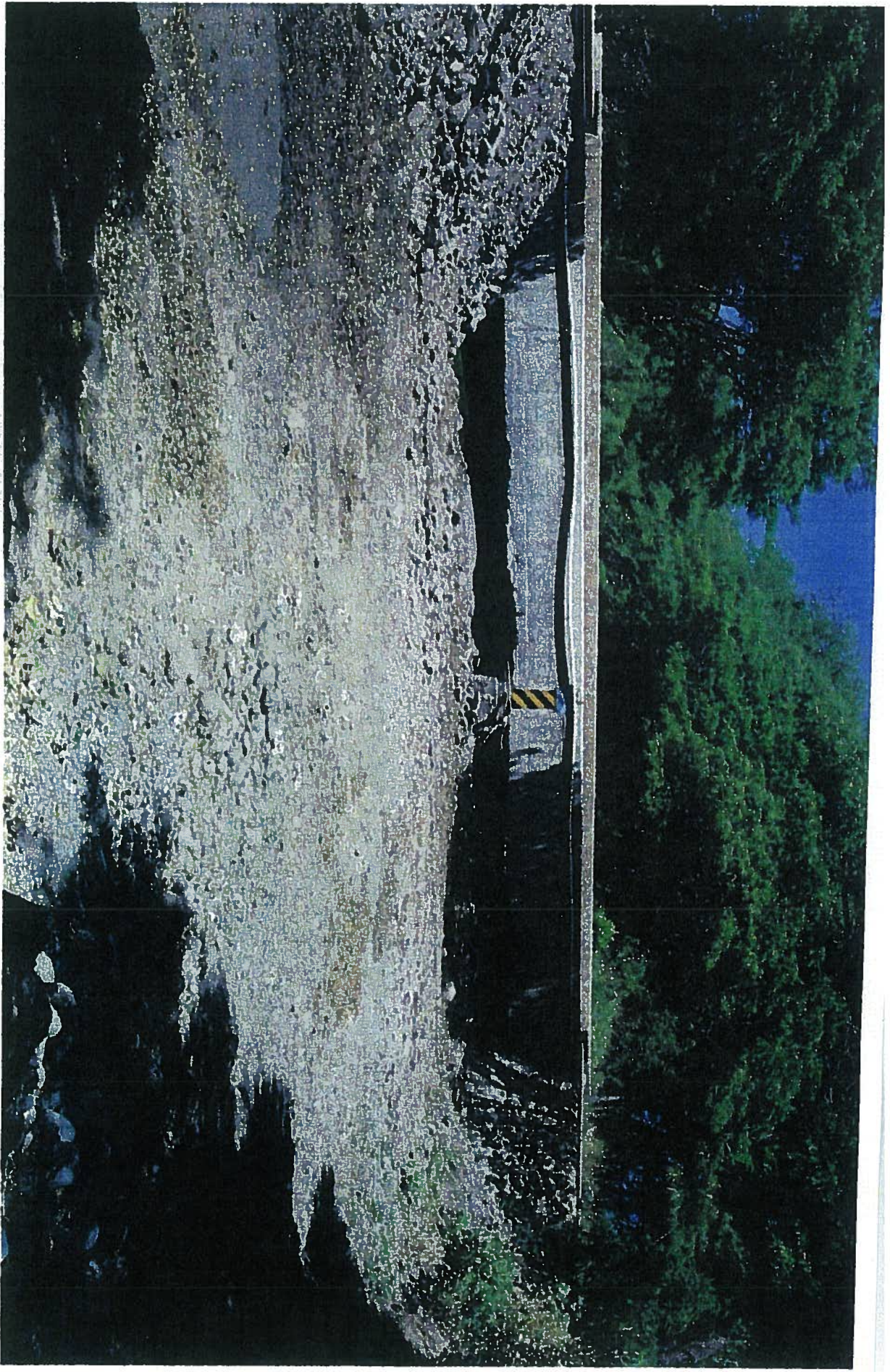
Source: KAI Hawaii

Figure 5

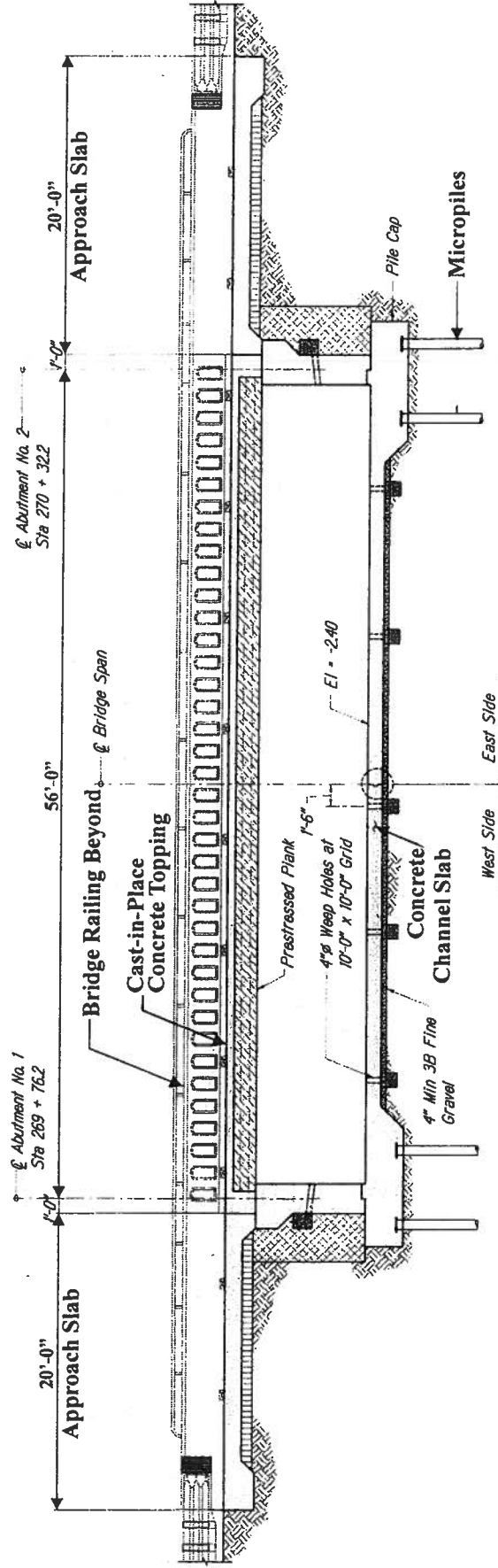
Proposed Kawela Bridge Replacement Detour Route Plan

NOT TO SCALE





Current photo Kavela Bridge, Island of Molokai

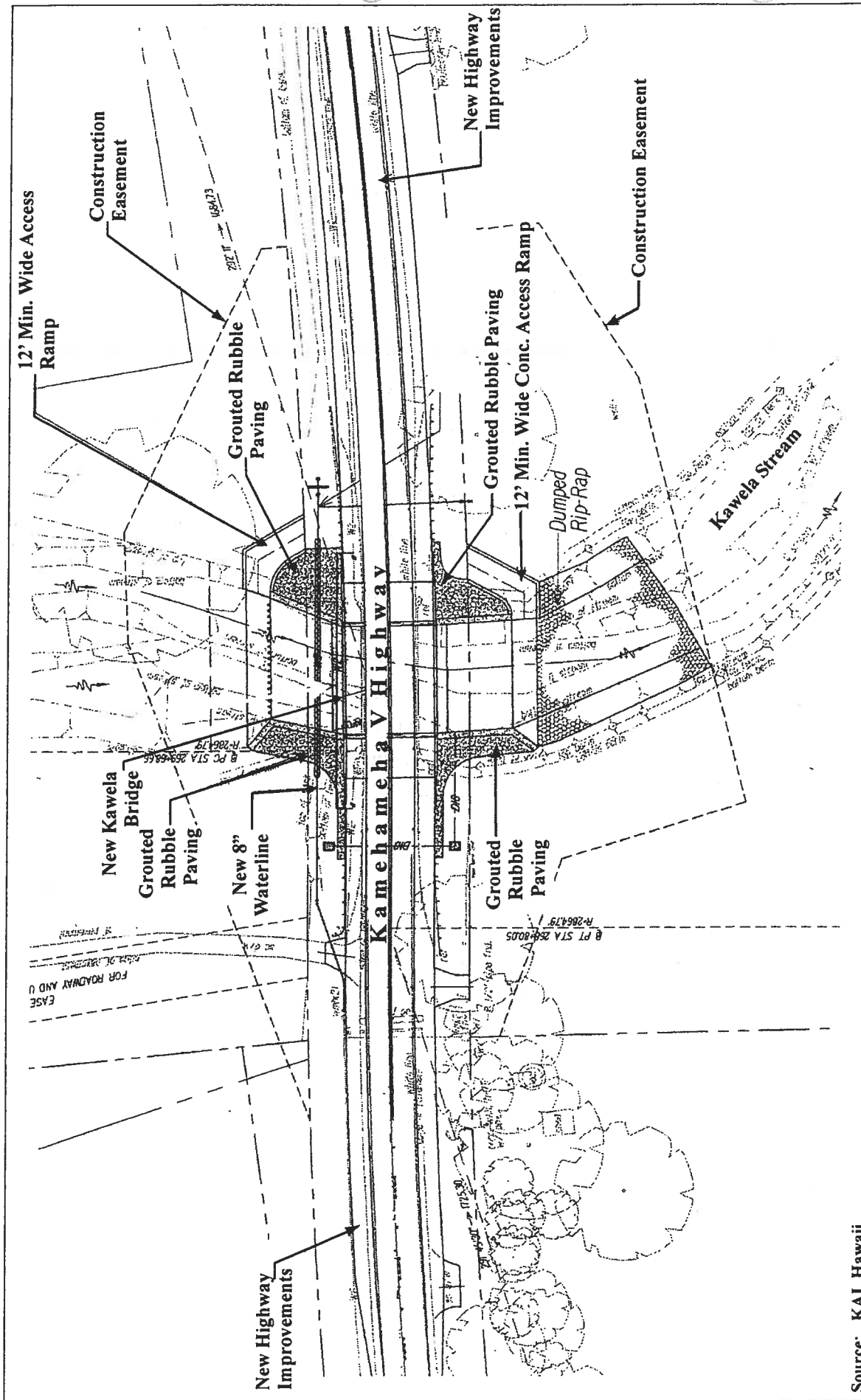


Source: KAI Hawaii

Figure 3

Proposed Kawela Bridge Replacement Longitudinal Section Along Base Line

NOT TO SCALE



Source: KAI Hawaii

Figure 4



Proposed Kawela Bridge Replacement Bridge Layout Plan

NOT TO SCALE

Prepared for: State of Hawaii, Department of Transportation

MUNEKIYO & HIRAGA, INC.

KAIHI/KawelaBridge/BridgeLayoutPlan